

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Melvin Earl Battle

Docket No. 5:10-CR-9-1H

Petition for Action on Supervised Release

COMES NOW Matthew A. Fmura, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Melvin Earl Battle, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess With Intent to Distribute 50 Grams or More of Cocaine Base (Crack), in violation of 21 U.S.C. § 846, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on June 8, 2010, to the custody of the Bureau of Prisons for a term of 188 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years.

On December 13, 2012, the defendant's sentence was reduced to 120 months. Melvin Earl Battle was released from custody on November 8, 2018, at which time the term of supervised release commenced.

On January 25, 2019, a Violation Report was submitted for admitted marijuana use on January 1, 2019, and subsequent laboratory confirmation.

On September 4, 2019, a Violation Report was submitted for admitted marijuana use on August 1, 2019, and subsequent laboratory confirmation. Battle was instructed by the officer to attend weekly substance abuse counseling at Substance Abuse Professional Services (SAPS) in Wilson, North Carolina.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On October 1, 2019, the defendant submitted a urine specimen to the U.S. Probation Office which was confirmed positive for marijuana use by the National Laboratory on October 6, 2019. Battle admitted to using marijuana on September 28, 2019, and signed an admission of drug use form. Additionally, the defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required fee.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,


I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dewayne L. Smith
Dewayne L. Smith
Supervising U.S. Probation Officer

/s/ Matthew A. Fmura
Matthew A. Fmura
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: 252-830-2345
Executed On: October 21, 2019

ORDER OF THE COURT

Considered and ordered this 23rd day of October, 2019, and ordered filed and
made a part of the records in the above case.



Malcolm J. Howard
Senior U.S. District Judge